

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DARREN FELIX,

**DECLARATION OF**  
Plaintiff, **MICHAEL CHESTNOV**

-against-

13 Civ. 3079 (ALC)(JCF)

THE CITY OF NEW YORK, and JOSE MORALES,

Defendants.

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**PLEASE TAKE NOTICE** that, upon the Declaration of Michael Chestnov dated January 10, 2014, and the exhibits annexed thereto, the memorandum of law dated January 10, 2014, and upon all prior pleadings and proceedings herein, defendants City of New York and Det. Jose Morales will move this Court before the Honorable Andrew L. Carter, Jr., United States District Judge, at the United States District Court for the Southern District of New York, located at 40 Foley Square, New York, New York, at a date and time to be determined by the Court, for dismissal of the complaint with prejudice, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on the grounds that plaintiff has failed to state a claim against defendants.

**PLEASE TAKE FURTHER NOTICE** that pursuant to the Order of the Honorable Andrew L. Carter, Jr., plaintiff's opposition papers, if any, should be served on the undersigned no later than February 10, 2014, and

**PLEASE TAKE FURTHER NOTICE** that pursuant to the Order of the Honorable Andrew L. Carter, Jr., defendants' reply papers, if any, shall be served on plaintiff by February 24, 2014.

Dated: New York, New York  
January 10, 2014

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/s  
MICHAEL CHESTNOV

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Plaintiff,

-against-

CITY OF NEW YORK, *et al.*,

Defendants.

**NOTICE OF MOTION**

***JEFFREY D. FRIEDLANDER***

*Acting Corporation Counsel of the City of New York  
Attorney for Defendants  
100 Church Street  
New York, New York 10007*

*Of Counsel: Michael Chestnov  
Linda Donahue  
Alison G. Moe*

*Tel: (212) 356-3529  
NYCLIS No.*

*Due and timely service is hereby admitted.*

*New York, N.Y....., 200...*

*..... Esq.*

*Attorney for.....*